

BOARD OF REGISTRATION IN NURSING

Substance Addiction Recovery Program (SARP)

SARP Policy 12-01

Title	Confidentiality for SARP Applicants and Participants
Purpose	The purpose of this policy is to ensure confidentiality of records and information relating to SARP applicants and participants as required by MGL c.112, §80F.
Date Adopted/ Revised	July 11, 2012 (adopted); May 10, 2017 (revised), August 10, 2022 (revised)
<p><i>During Admissions Process</i></p> <p><i>Termination from Admissions Process</i></p>	<p>The SARP staff¹ shall keep SARP records² and SARP information³ in accordance with the following provisions:</p> <ol style="list-style-type: none"> 1. <u>During Admissions Process.</u> <ol style="list-style-type: none"> a. The SARP staff shall keep the applicant’s SARP record and SARP information confidential pursuant to GL. c112, s.80F, except as provided in paragraphs 1(b), 1(c), 1(d) and 1(e), below. b. The SARP staff may advise Board Counsel and Prosecutor of the status of an applicant’s progress through the admissions process as necessary to enable the appropriate disposition of any pending complaints. c. The SARP staff may advise staff members of the Board of Registration in Nursing (“Board staff”), the Office of Public Protection, and the Office of Prosecution upon an applicant’s admission into SARP as necessary to enable the appropriate disposition of any pending complaints. d. The SARP staff may disclose information and documents as necessary to facilitate the admission process as authorized by a release signed by the applicant. e. The SARP staff may disclose information and documents to other members of SARP staff and to members of the SAREC committees, as necessary to supervise the admission process and enable the SAREC committees to make appropriate recommendations. 2. <u>Following termination from the Admissions Process.</u> <ol style="list-style-type: none"> a. The applicant’s SARP record shall be transferred to the file of a complaint that is already pending against the applicant, or has been opened as a result of the termination from the admissions process. b. Once transferred to a complaint file, the SARP record shall be

¹ “SARP staff” includes the SARP Coordinators, administrative assistants assigned to the SARP program, the Board of Registration in Nursing (“Board”) Executive Director, the Board’s Deputy Executive Director and Board Counsel.

² An individual’s “SARP records” consists of all documents about that individual created by, received by or submitted to SARP staff during the SARP Admission Process (see SARP Policy 05-001), and during participation following admission into SARP.

³ “SARP information” refers to information acquired by SARP staff about an applicant or participant during the admission process and during participation in SARP.

<p><i>Termination from Admissions Process, cont.</i></p>	<p>maintained in accordance with generally applicable provisions of public records law, but confidentiality pursuant to GL. c112, s.80F will not apply to them. All such documents may be submitted as evidence in an adjudicatory proceeding of a complaint against the applicant, subject to such protective orders as may be entered in the proceeding.</p> <p>c. SARP staff may disclose SARP information to Board staff, the Office of Public Protection, and the Office of Prosecution as necessary for investigation, prosecution and/or resolution of any pending complaints, and may testify to such information in an adjudicatory proceeding.</p>
<p><i>During Participation</i></p>	<p>3. <u>During participation.</u> At all times following the execution of a Consent Agreement for SARP Participation (CASP) and prior to the termination of SARP participation or successful completion,</p> <p>a. The SARP staff shall keep a participant’s SARP record and SARP information confidential pursuant to GL. c112, s.80F, except as provided in paragraphs 3(b), 3(c) and 3(d) below.</p> <p>b. The SARP staff may confirm to Board staff, the Office of Public Protection, and the Office of Prosecution whether a participant’s CASP already resolves the alleged conduct in any pending complaints.</p> <p>c. The SARP staff may disclose information and documents as necessary to supervise participants as authorized by a release signed by the participant.</p> <p>d. The SARP staff may disclose information and documents to other members of SARP staff and to members of the SAREC committees, as necessary to supervise participants and enable the SAREC committees to make appropriate recommendations.</p>
<p><i>Following successful completion</i></p>	<p>4. <u>Following successful completion.</u> At all times following a participant’s successful completion of the program, the SARP staff shall keep the SARP record and SARP information relating to a former participant confidential pursuant to GL. c112, s.80F.</p>
<p><i>Following termination</i></p>	<p>5. <u>Following termination from SARP.</u> In the event that SARP staff terminate a participant from SARP or a participant withdraws from SARP:</p> <p>a. The SARP record shall be maintained in accordance with generally applicable provisions of public records law, but confidentiality pursuant to GL. c112, s.80F will not apply to them. All such documents may be submitted as evidence in an adjudicatory proceeding of a complaint against the applicant, subject to such protective orders as may be entered in the proceeding.</p> <p>b. SARP staff may disclose information about the former participant to Board staff, the Office of Public Protection, and the Office of Prosecution as necessary for the investigation, prosecution and/or resolution of any pending complaints, and may testify to such information in an adjudicatory proceeding.</p>